

DISCUSSION OF THE CLAIMS

Claims 1 and 3-39 are active in the present application. Claim 2 is a canceled claim.

Independent Claim 1 is amended to include the features of previously presented Claim 2.

Claim 1 and the claims dependent therefrom are amended for matters of form and/or for clarity. Claims 37-39 are new claims. Support for the new claims is found in the previously presented claims.

Support for the amendment is found in the original claims.

No new matter is added.

REMARKS

Independent Claim 1 now includes the features of previously pending Claim 2. The Office rejected previously pending Claim 2 as obvious over the combination of Marchionna (U.S. 5,923,090) and van Klinken (U.S. 4,039,429).

The Office acknowledges that Marchionna does not teach subjecting a light fraction obtained from a high pressure separator to a second hydrotreating (see the last full paragraph on page 6 of the October 28, 2008 Office Action). The Office asserts that van Klinken discloses that the second hydrotreating of the present claims is a conventional processing treatment and thus it would be obvious to modify Marchionna to include the hydrotreating of van Klinken and arrive at the presently claimed invention.

Applicants submit the modification of Marchionna, asserted to be obvious in view of van Klinken, is improper in view of the Office's failure to take into account the substantial differences existing between the hydrotreating of van Klinken and the hydrotreating of the presently claimed invention. For example, the conversion of hydrocarbons into light distillates in the process of van Klinken occurs after the hydrocarbons have been subjected to atmospheric distillation. For example, the Abstract of the van Klinken patent discloses the following (emphasis added):

Residual hydrocarbons stocks obtained after atmospheric distillation are converted into light distillates by certain sequences of processing steps including catalytic cracking, high and low pressure catalytic hydrotreatment, deasphalting, gasification and thermal cracking or coking.

Thus, as demonstrated in the above-quoted text of van Klinken, the art relied on by the Office discloses hydrotreating in sequence with certain other steps, i.e., after atmospheric hydrotreating.

The presently claimed invention differs from van Klinken and Marchionna. This is well demonstrated by the Drawings of the present application. Figure 1 is reproduced below for convenience:

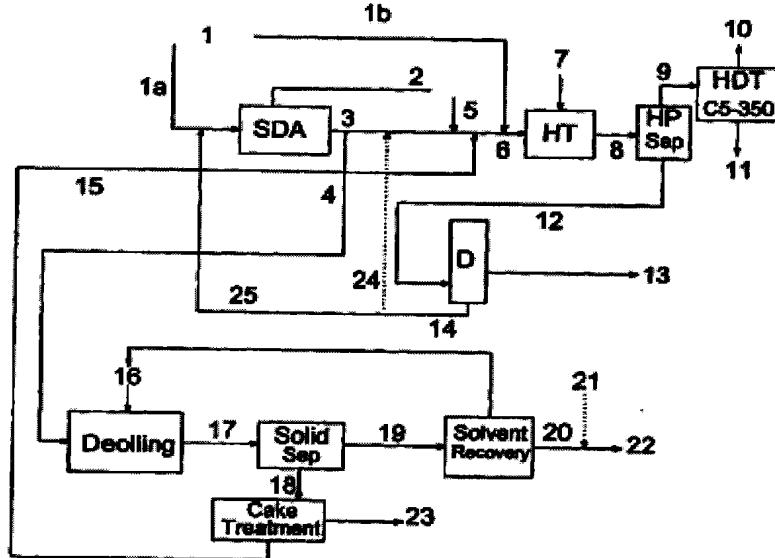


Fig. 1

The above process diagram shows that streams separated through a first atmospheric distillation (see reference no. 2 of Figure 1) are not subjected to hydrotreating, e.g., the feedstock stream of ref. no. 2 is subjected to the deasphalting to provide a product (ref. nos. 3 and 4) which is then subjected to deoiling. The components of the atmospheric distillation stream are not subjected to a hydrotreating. Instead, such components, i.e., ref. nos. 16 and 17, are subjected to deoiling or recycled deoiling.

Further with respect to this difference between the presently claimed invention and Marchionna and van Klinken, Applicants draw the Office's attention to page 11, line 21 - page 12, line 25 of the specification. The invention described in the present application provides certain advantages not achievable by the process of the cited art. For example, the presently claimed is capable of providing a C₂-500°C fraction which, in turn, provides the ability to derive useful low sulfur content fuels from feedstocks that are extremely rich in

sulfur and which do not suffer from stability problems (see the above-cited text of the present application). Such advantages cannot be obtained from the process of van Klinken in which at atmospheric distillation product is vacuum distilled without hydrotreatment.

Further, because hydrogen is already present in the C₂-500°C fraction, it is not necessary to add additional hydrogen or other reducing agent into the gaseous stream that is subjected to the second hydrotreating of the claimed invention.

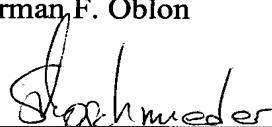
Applicants thus submit that those of ordinary skill in the art would not arrive at the subject matter of the presently claimed invention by modifying Marchionna in the manner of van Klinken.

Applicants draw the Office's attention to new dependent Claims 38-39 in which the light fraction obtained by the high pressure separation is sent "directly" to the secondary hydrogenation post-treatment section. Applicants submit that new Claims 38-39 exclude the use of other purification steps after the high pressure separation and the secondary hydrogenation post-treatment. New dependent Claims 38-39 thus explicitly excludes the process of van Klinken and the combination of Marchionna and van Klinken cannot lead to the process of the present claims.

For the reasons discussed above in detail, Applicants request withdrawal of the rejections and the allowance of all now-pending claims.

Respectfully submitted,

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